



Paper No. 8

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Masayuki Masuda, et. al.
Application No. 10/091,113
Filed: February 28, 2002
Attorney Docket No. OMRNP018

This is a decision on the petition under 37 CFR 1.137(b), filed December 12, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed April 8, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained.

In response to the Notice to File Missing Parts, petitioner submitted with the instant petition \$770 for the basic filing fee, \$430 for claim fees, an oath/declaration, including \$130 surcharge for late filing of the oath/declaration, and a certified copy of the priority document.

In the instant petition, petitioner states that the abandonment was due to Patent Office error, and no fee for the petition to revive should be due. A review of the record shows that the Notice to File Missing Parts mailed April 8, 2002, was addressed to the correspondence address of record, which is the same correspondence address listed throughout the application and on the instant petition. A further review of the record indicates that the Notice to File Missing Parts was **not** returned to the USPTO as undeliverable. Therefore, it appears that the Notice was mailed to the correct correspondence address, and the above-identified application was appropriately abandoned after midnight June 8, 2003.

In view of the above, the required \$1,330 petition to revive fee is necessary. Therefore, per authorization given in the instant petition, that fee will be charged to petitioner's deposit account.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
Petitions Examiner
Office of Petitions
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for Patent Examination Policy